



U.S. Department of Justice

Office of the Solicitor General

Washington, D.C. 20530

October 14, 2021

Honorable Scott S. Harris
Clerk
Supreme Court of the United States
Washington, D.C. 20543

Re: David Byron Babcock v. Kilolo Kijakazi, Acting Commissioner of Social Security, No. 20-480

Dear Mr. Harris:

On October 13, 2021, this Court heard oral argument in the above-captioned case. This letter is submitted to correct a statement made by counsel for the government at oral argument. In response to a question, counsel for the government provided a partial number of National Guard dual status technicians who could be impacted by the Court's decision in this case—specifically, the number of those who retired after 2004 and are receiving Civil Service Retirement System (CSRS) payments or are eligible to retire and receive CSRS payments. Counsel inadvertently stated that 53,000 technicians fell into that category. Tr. 51. The correct number is 5,300. We apologize for that error.

I would appreciate it if you would circulate this letter to the Members of the Court.

Sincerely,

Brian H. Fletcher
Acting Solicitor General

cc: See Attached Service List

20-0480

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KILOLO KIJAKAZI, COMMISSIONER OF SOCIAL
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VIA EMAIL